

**REMARKS**

Claims 1-24 are pending. By this Response, claims 1, 8, 15 and 24 are amended. Reconsideration and allowance based on the above amendments and following remarks are respectfully requested.

The Office Action rejects claims 1, 8 and 15 under 35 U.S.C. §102(e) as being anticipated by Oda, et al. (US 6,088,040); claims 2, 3, 9, 10, 16 and 17 under 35 U.S.C. §103(a) as being unpatentable over Oda and Zelinsky, et al. (Patent titled "Human-Robot Interaction Using Facial Gesture Recognition"); claims 4, 5, 11, 12, 18 and 19 under 35 U.S.C. §103(a) as being unpatentable over Oda and Kado, et al. (US 6,181,806); and claims 6, 7, 13, 14 and 20-24 under 35 U.S.C. §103(a) as being unpatentable over Oda and Fujimoto, et al (US 6,035,074). These rejections are respectfully traversed.

Applicants note that independent claims 1, 8, 15 and 24 have been amended to recite, *inter alia*, carrying out position matching between the face template and the face area to be extracted by moving the face template and/or the image so that the face template is positioned on the face area to be extracted, transforming and/or rotating the face template and/or the image on the face area positioned according to an input from input means by a user. Applicants respectfully submit that Oda fails to teach this feature separately or combined with Fujimoto.

Oda teaches a system in which the expressions on inputted facial images can be modified based on stored standard image information for a particular expression. In Oda's system, an input facial image has reference points positioned at specific areas of the face. Reference points are also placed on the standard facial image. A normalized facial image is then obtained by

shifting the reference points on the input facial image to the positioned corresponding to the reference points on the standard image. See column 8, lines 1-20 and Fig. 5.

In Oda, a facial image is input. This facial image has already been extracted from some other media using some other system or process. An extraction of a facial image is not performed in Oda's teachings. A new image is created based on the expression of the input image with a standard image. However, this newly created image has not been extracted from an image area, but instead created from characteristics of the input image and the standard image.

Further, a face template which can be manipulated, i.e., transforming, positioning, rotating, by user and moved over the face area to be extracted, is not taught in Oda. In Oda's system, reference points are immediately displayed on both an input image and standard image. The user can manipulate the reference points on the input image, to correspond to the reference points on the standard image. However, the reference points are not a face template that can be manipulated by transforming, positioning or rotating the facial template. The reference points are single position locations on the image surface. Further, the reference points are not used to extract a face from an image area. The reference points merely are used as positioning references in creating a normalization image based on the standard reference image and input image. Therefore, regarding independent claims 1, 8 and 15, Oda fails to teach each and every feature of applicant's independent claims as required.

Regarding independent claim 24, Fujimoto's teachings have been combine with Oda's teachings to provide the features of claim 24. Applicant's respectfully submit that Fujimoto does not make up for the deficiencies of Oda. Fujimoto has been provided to teach the changing of color of the facial image. Fujimoto's teachings do not teach or suggest position matching

between a face template and a face area to be extracted, by moving the face template and/or the image so that the face template is positioned on the face area to be extracted, transforming and/or rotating the face template and/or the image on the face area positions according to an input from the input user means by a user as recited in claim 24. Thus, the combination of Oda and Fujimoto fail to teach each and every feature of independent claim 24 as required.

Dependent claims 2-7, 9-14 and 16-23 are also distinguishable over the cited art for the above reasons as well as for the additional features they recite.

In view of the above, applicant's respectfully submit that independent claims 1, 8, 15 and 24 are distinguishable over the cited references. Accordingly, reconsideration and withdrawal of the rejections are respectfully requested.

#### Conclusion

For at least these reasons, it is respectfully submitted that claims 1-24 are distinguishable over the cited art. Favorable consideration and prompt allowance are earnestly solicited.

Pursuant to 37 C.F.R. §§ 1.17 and 1.136(a), Applicant(s) respectfully petition(s) for a three (3) months extension of time for filing a reply in connection with the present application, and the required fee of \$1,020.00 is attached hereto.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Chad J. Billings (Reg. No. 48,917) at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Dated: October 5, 2005

Respectfully submitted,

MRC/CJB:cb

By



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